



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



April 4, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT RESPONSE TO THE
AUDITOR-CONTROLLER'S PROPOSITION 47 - ANALYSIS
OF COST SAVINGS AND SERVICE IMPROVEMENTS**

On December 1, 2015, the Board instructed the Auditor-Controller (A-C) to:

- Conduct an analysis of Proposition 47 (Prop 47) to determine if the affected Los Angeles County (County) departments possess a method of capturing, tracking, or measuring the costs, savings, and service improvements (or declines) associated with the implementation of Prop 47.
- Describe the approaches and methodologies used to assess Prop 47 savings and make available to the public the underlying data used.
- Identify if other peer counties possess a method of capturing such costs and savings that the County could adopt as a best practice.
- Propose a methodology to reallocate future cost savings to assist the Public Defender (PD) and Alternate Public Defender (APD) in the timely filing of Prop 47 applications and petitions for sentence reductions.
- Obtain and consider input from interested research organizations during our analysis.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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INTRODUCTION

Since the Board's December 1, 2015, instruction, the A-C has been diligently working with a number of Prop 47-affected County departments, including the Los Angeles County Sheriff's Department (Department). The A-C has exhibited a tireless and persistent effort to understand and document each department's unique set of circumstances when it comes to not only the direct and indirect impacts of Prop 47, but also each department's existing and emerging challenges as they relate to operations, programs, and fiscal impact. After months of time, energy, and hard work the A-C has completed their analysis and has shared their findings with the Board's Offices and the affected departments. In response to the A-C's completed analysis, I would like to take this opportunity to provide the following comments as it relates to the A-C's final report.

THE IMPACT OF PROP 47

The passage of Prop 47 allowed the Department the flexibility to increase the percentage release of County sentenced inmate population. Once the population stabilized in December 2014, the Department began raising the percentage of time served from 20 percent to 70 percent for both males and females, resulting in an increase of percentage time served for 14,300 inmates the following year. It must be noted that the adjustment of this percentage, which mitigates jail overcrowding, is authorized by the Federal Court pursuant to a 1988 Court Order arising from the Rutherford vs. Block lawsuit, commonly referred to as the "Rutherford Decision."

Prop 47 immediately preceded a dramatic rise in the Department's mental health population within Custody Operations. To address and enhance the service needs of our most severe mentally ill inmates, 2-man cells were converted to single-man cells resulting in the loss of approximately 772 bunks. The expansion of these High Observation areas also forced the Department to remove an additional 556 dayroom bunks from housing areas that were previously general population or step-down areas of mental health units. This increased mental health housing resulted in the unavailability of 1,328 bunks.

POPULATION ADJUSTMENTS NOT RELATED TO PROP 47

Under the leadership of Assistant Sheriff Terri McDonald, the Department continued its efforts to remove overflow bunks throughout the system. The bunks had been added within dayrooms and dormitories over the years to compensate for the overcrowded system, which took the Department well beyond its rated jail capacity. These efforts began before Prop 47 and have continued to this day for a total reduction of approximately 519 beds throughout Custody Operations.

The reduction of overflow bunks and unavailable beds to accommodate the mentally ill resulted in a total loss of 1,847 beds.

RESPONSE TO THE IDENTIFIED \$13.7 MILLION DEPARTMENTAL SAVINGS

The A-C calculated \$13.7 million in savings, which is documented in their report, by using the difference between the Average Daily Inmate Population (ADIP) from November 2013 to October 2014, and November 2014 to October 2015, which amounted to 1,840. This was then multiplied by the marginal bed rate of \$20.35, which was then multiplied by 365 (days in a year) and resulted in the amount of \$13.7 million.

The concern with this methodology is the Department had both a bed loss and a bed reduction of approximately 1,847 during the same time period that was largely due to the unprecedented rise in mentally ill inmates and not from Prop 47, which was shared with the A-C and reflected in their report. As a result of the dramatic increase in mentally ill-diagnosed inmates, the Department has experienced a corresponding increase in costs associated with ensuring that not only is there an appropriate amount of staff to ensure this population receives the care and supervision they need, but also that they receive the medication, treatment, and resources that is undoubtedly critical to their well-being. In light of these developments and cost increases, the Department is in the process of working with the Chief Executive Office in the hopes of obtaining financial relief to help offset these costs.

As it relates to the overflow bunks that were removed, it must be noted that these beds are routinely added and removed as the population ebbs and flows. Further, these beds/bunks are added to the system with no corresponding funding stream, so equating their removal as a "savings" is not accurate.

To reinforce the concerns with this methodology, the Department had to make numerous adjustments to the percentage of convicted inmate's time served since the passing of Prop 47; lowering from 70 percent to 40 percent for both males and females twice in 2015 (May/October). Likewise, the percentage of time served increased to 70 percent in November 2015. As of today, the Department has once again lowered the percentage release for females back to 40 percent. This is indicative of an inmate population that is still in flux and not static as some Prop 47 advocates contend. Because we have the capability of reacting quickly to a spike in bookings by adjusting our percentage release, these spikes are not always captured on a trend line. Consequently, our ADIP can be at times artificial and relying on a particular inmate count to develop a potential cost savings for Prop 47 would not be fiscally responsible or sufficiently reliable.

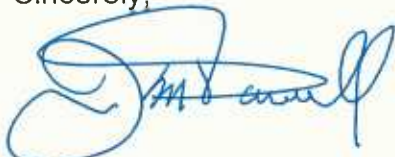
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RESPONSE TO THE IDENTIFIED \$41.6 MILLION DEPARTMENTAL SAVINGS

The Department does not dispute the \$41.6 million savings as a hypothetical situation. The Department explained to the A-C that the only scenario in which the Department would actually see a cost savings is by closing a jail facility. Essentially, the Department indicated that if we were not an "early release" county and the population had stabilized after the drop in inmates, we may have been able to close a facility and, possibly, additional housing areas resulting in a fiscal year savings of \$41.6 million. Based on the benefits of the early release program through the Rutherford Decision, this scenario is not feasible.

Should you have any questions or require additional information, please contact me or Assistant Sheriff Kelly Harrington, Custody Services Division, at (213) 893-5001.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim McDonnell", with a large, stylized initial "J" and "M".

JIM McDONNELL
SHERIFF